

Adopted	Rejected
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COMMITTEE REPORT

YES:	10
NO:	3

MR. SPEAKER:

*Your Committee on Judiciary, to which was referred House Bill 1677, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 1, delete lines 5 through 6, begin a new paragraph and insert:
- 2 "Sec. 1. (a) Except as provided in subsection (b), this chapter
- 3 applies only to dwelling units that are let for rent after June 30,
- 4 1999.
- 5 (b) This chapter does not apply to dwelling units that are let for
- 6 rent with an option to purchase."
- 7 Page 2, between lines 18 and 19, begin a new paragraph and insert:
- 8 "(b) A landlord may not bring an action under this chapter
- 9 unless the following conditions are met:
- 10 (1) The landlord gives the tenant notice of a condition
- 11 described in this chapter.
- 12 (2) The tenant has been given a reasonable amount of time to
- 13 remedy the condition described in the landlord's notice. The
- 14 landlord may not prevent the tenant from having access to the

rental premises to remedy the condition described in the landlord's notice.

(3) The tenant fails or refuses to remedy the condition described in the landlord's notice."

Page 2, line 19, delete "(b)" and insert "(c)".

Page 2, between lines 26 and 27, begin a new paragraph and insert:

"(d) In an action filed under this section, the court may award reasonable attorney's fees, court costs, and other reasonable expenses of litigation to the tenant if the tenant prevails and the court finds that the action is frivolous."

Page 2, delete lines 31 through 32, begin a new paragraph and insert:

"Sec. 1. (a) Except as provided in subsection (b), this chapter applies only to dwelling units that are let for rent after June 30, 1999.

(b) This chapter does not apply to dwelling units that are let for rent with an option to purchase."

Page 3, line 8, delete "clean and" and insert **"safe, clean, and habitable condition."**

Page 3, delete line 9.

Page 3, line 29, delete "closing" and insert **"exterior"**.

Page 3, delete lines 31 through 33.

Page 3, between lines 39 and 40, begin a new paragraph and insert:

"(b) A tenant may not bring an action under this chapter unless the following conditions are met:

(1) The tenant gives the landlord notice of a condition described in this chapter.

(2) The landlord has been given a reasonable amount of time to make repairs or provide a remedy of the condition described in the tenant's notice. The tenant may not prevent the landlord from having access to the rental premises to make repairs or provide a remedy to the condition described in the tenant's notice.

(3) The landlord fails or refuses to repair or remedy the condition described in the tenant's notice."

Page 3, line 40, delete "(b)" and insert "(c)".

Page 4, delete lines 6 through 14, begin a new paragraph and insert:

"(d) In an action filed under this section, the court may award

1 **reasonable attorney's fees, court costs, and other reasonable**
2 **expenses of litigation to the landlord if the landlord prevails and**
3 **the court finds that the action is frivolous."**

(Reference is to HB 1677 as introduced.)

and when so amended that said bill do pass.

Representative Villalpando